

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SOFIA EL MISSAOUI,

Plaintiff,

v.

Case No. 8:22-cv-814-VMC-MRM

COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Mac R. McCoy's Report and Recommendation (Doc. # 22), filed on June 29, 2023, recommending that the decision of the Commissioner be reversed and remanded.

As of the date of this Order, no objections have been filed and the time for filing objections has lapsed. The Court accepts and adopts the Report and Recommendation and remands the case to the Commissioner.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and

recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendation. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge. Accordingly, it is now


ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 22) is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).
- (3) On remand, the Commissioner is directed to (1) review the entire medical evidence of record, including the

treatment notes of Dr. Reyes Baerga; and (2) meaningfully discuss and consider Plaintiff's headaches when assessing Plaintiff's RFC.

- (4) The Clerk is directed to enter judgment accordingly, terminate any pending motions and deadlines, and **CLOSE** the case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 14th day of July, 2023.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE